



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

MICKIE MARCELL CALDWELL,
Plaintiff,

vs.

MICHAEL STRAUBE and OTHER
OFFICERS WHO EXECUTED THE
WARRANT,

Defendants.

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Civil Action No. 8:20-01767-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**

Plaintiff Mickie Marcell Caldwell (Caldwell), proceeding pro se, filed this action pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Caldwell's Complaint be dismissed without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which a specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de novo review, however, “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on May 28, 2020. Caldwell filed his Objections to the Report (Objections) on June 8, 2020. The Court has reviewed the objections but holds them to be without merit. It will therefore enter judgment accordingly.

Caldwell’s objections fail to address the analysis of the Report, but rather present general and conclusory objections to the recommendation of the Magistrate Judge. Accordingly, the Court need not conduct a de novo review based upon these objections. *See Orpiano*, 687 F.2d at 47. The Court fails to identify any error with the analysis in the Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Caldwell’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Caldwell’s amended complaint is **DISMISSED WITH PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 30th day of June 2019 in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.